

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ARTHUR LOPEZ,

Plaintiff,

v.

DON HERRING LTD., et al.,

Defendants.

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CIVIL ACTION NO. 3:16-cv-02663-B

**DEFENDANT MONICA BRAVERMAN'S MOTION TO
DISMISS OR, IN THE ALTERNATIVE, TO STRIKE**

Defendant Monica Braverman hereby moves to dismiss the Complaint filed against her by Arthur Lopez pursuant to Federal Rule of Civil Procedure 12(b)(6), or in the alternative, to strike the redundant, irrelevant, immaterial, and impertinent portions of Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(f). As grounds, Ms. Braverman states that Lopez's allegations, even if true, do not establish the gravamen of his Complaint, i.e., that Ms. Braverman knowingly acquired and/or sold Lopez's private/confidential information which was obtained from the Texas Department of Motor Vehicles. In fact, Lopez's allegations, if taken as true, establish the opposite, i.e., that Ms. Braverman has no liability under the Drivers Privacy Protection Act, 18 U.S.C. § 2721 *et seq.* As further grounds, Ms. Braverman incorporates her Brief in Support of Motion to Dismiss, or in the Alternative, To Strike filed concurrently herewith in accordance with Local Rule 7.1.

WHEREFORE, Ms. Braverman requests that the Court grant this motion and dismiss Lopez's single cause of action alleged against Ms. Braverman for violation of the DPPA, and award such further relief to Ms. Braverman as the Court deems just and proper.

Respectfully submitted,

/s/ Thomas M. Hanson

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***Attorneys for Defendant Monica
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been served on all parties on January 9th, 2017 as indicated below:

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